

it possible that the member of an honourable profession should lend his powers of intellect, judgment, experience, argument, to the wrong side? And I venture to put the real answer in my own way. The real answer, ladies and gentlemen, is that an advocate does his work under strict and severe restrictions of professional duty, imposed by a strict code of honour, for the very purpose of securing that he may discharge this difficult task, which is essential to the administration of justice, without selling his own conscience or being false to the duty to which he owes to justice and to the state. The function of an advocate is not to ascertain the truth; the function of an advocate is to present from one side of the case all that can be usefully and properly said, in order that it may be compared with what is presented from the other side of the case, so far as that can be usefully and properly said, and in order that the tribunal may then have before it these competing considerations and may hammer out on which side the truth really lies.

Take for instance the true position of an advocate who has the duty of prosecuting in charge of crime. There are a great many people—you see it in magazines and story books constantly—who really believe that a barrister who has a brief to prosecute a criminal is aiming at securing his conviction at all costs. That is a libel and a travesty upon the whole profession of the law. The business of an advocate who is prosecuting a criminal is to be in the strictest sense a Minister of Justice. His duty is to see that every piece of evidence relevant and admissible is presented in due order, without fear and without favour; and unless there be some other advocate to assist the accused, it is his duty to present the evidence which is in favour of the accused with exactly the same force and fullness with which he calls attention to the circumstances tending to make a suspicion against him. His business, in Othello's words, is this "Nothing extenuate, nor set down aught in malice." And I would say that fundamentally the position of a barrister who is prosecuting a criminal is a mere example and epitome of the kind of honour and the sort of conscience which ought to be shewn in all branches of the advocate's work.

Take the case of defending a criminal. What is the real